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SINGLE BENCH

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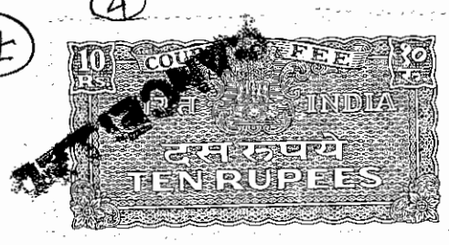

IN THE HON'BLE HIGH COURT OF JUDICATURE

CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 130 /~~2006~~ 2007

PETITIONER : Pyare Singh, Son of Late Shri Saheb Singh, aged about 48 years, resident of Qr. No. B-748, Yamuna Vihar, Plot NO.3, Jamanipali, N.T.P.C. Korba, Tahasil - Katghora, District-Korba (C.G.).

P.R. No. 2606/06
Presented by Shri M.K. Sinha
dated 20/12/06

VERSUS

RESPONDENTS

1. Ganga Bai @ Rani daughter of Umed Singh, aged about 42 years, resident of Dipika, Near S.E.C.L. Colony, Peon, Adarsh Higher Secondary School, Dipika, Tahasil - Katghora, District Korba (C.G.).
2. District Magistrate, Korba, District – Korba (C.G.).

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20/12/06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR APPROPRIATE WRIT/WRITS, ORDER/ORDERS, DIRECTION/DIRECTIONS ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(76)

मामला क्रमांक W.P.(C) 130 **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	31.1.2007 Shri M.K. Sinha, learned counsel for the petitioner. The petitioner by the instant petition has impugned the order of Annexure P/12 passed in Civil Suit No. 100-A/04 whereby the application of the defendant for an award of maintenance of Rs. 500/- per month has been allowed and to that extent the earlier order of temporary injunction in favour of the plaintiff has been modified. Learned counsel for the petitioner submits that the respondent/defendant, who is wife of the petitioner/plaintiff, had procured the consent order of maintenance from a criminal Court under Section 125 of Cr.P.C. However, when the petitioner discovered that the aforesaid order was procured by suppressing certain facts, he filed a civil suit for declaration and perpetual injunction against the order of grant of maintenance by the criminal Court and also moved an application for temporary injunction. The civil Court allowed his application for temporary injunction and stayed the recovery proceedings in pursuance of the maintenance order passed by the criminal Court. Thereafter, the respondent/defendant moved an application for grant of maintenance as ordered by the criminal Court and the Court	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	below by the impugned order (Annexure P/12) directed the petitioner to pay Rs.500/- per month to the respondent. Learned counsel for the petitioner further submits that the order of maintenance cannot be granted in a civil suit and to that extent the Court below has committed jurisdictional error. I have heard learned counsel for the petitioner and perused the impugned order. By the impugned order, in fact, the Court below has modified/clarified the order of temporary injunction whereby the recovery of maintenance amount was stayed. Taking into consideration the overall circumstances existing in the present case, no case is made out warranting interference in the impugned order by this Court while exercising supervisory jurisdiction vested under Article 227 of the Constitution of India. Accordingly, the petition deserves to be dismissed at the admission stage itself and is hereby dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.